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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JAMES BLANCH, individually,)	
)	Case No. 2:22-cv-00599-JCM-NJK
Plaintiff,)	
vs.)	Stipulation and Order to Extend
)	Discovery
ALBERTSON'S LLC, A Foreign Limited-)	
Liability Company; ALBERTSON'S)	(Second Request)
COMPANIES, INC., a Foreign Corporation;)	
DOE EMPLOYEE; DOE DEFENDANT 1-10,)	
inclusive; ROE CORPORATION 1-)	
10,inclusive,)	
)	
Defendants.)	
)	

In accordance with Local Rules of Practice for the United States District Court for the
 District of Nevada ("LR") 26-4, Defendants ALBERTSON'S LLC and ALBERTSON'S
 COMPANIES, INC ("Defendants"), by and through its counsel of record, the law firm of
 BACKUS, CARRANZA & BURDEN, and Plaintiff JAMES BLANCH ("Plaintiff"), by and through his
 counsel of record, RICHARD HARRIS LAW FIRM, hereby stipulate and agree to an extension of all
 remaining discovery deadlines by sixty (60) days. The parties propose the following revised
 discovery plan (*new information is in bold italics*):

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CASE NO.: 2:22-cv-00599-JCM-NJK

Blanch v. Albertsons LLC

Stipulation and Order to Extend (Second Request)

Pursuant to Local Rule 26-3, it is respectfully submitted the Parties' failure to request the instant extension of discovery twenty-one (21) days prior to the deadline for discovery cut-off was the result of excusable neglect. Specifically noting the failure to request the extension of was a mere oversight by the Parties. *Bateman v. U.S. Postal Service*, 231 F.3d 1220 (9th Cir. 2000). Further: 1) there is no danger of prejudice as the extension is stipulated by the Parties; 2) a **sixty (60) day** extension will not impact a trial date because the same has not been scheduled; 3) the Parties, their respective Counsel, and witnesses have been limited in appearing for deposition due to the Covid-19 pandemic **and holiday season**; and 4) the requested extension is made in good faith by both Parties. *Pioneer Investment Services v. Brunswick Associate's, Ltd.*, 507 U.S. 380, 395 (1993).

I.

DISCOVERY COMPLETED TO DATE

1. A Joint Discovery Plan and Scheduling Order (EFC No. 9) was filed on May 16, 2022;
2. Plaintiff served her Initial Disclosure Pursuant to FRCP 26 on May 5, 2022, **with two supplements thereto**;
3. Defendants served its Initial Disclosure Pursuant to FRCP 26 on May 20, 2022, **with two supplements thereto**;
4. Plaintiff served her First Sets of Requests for Production, Interrogatories, and Requests for Admission to Defendant on June 2, 2022;
5. **Defendants responded to Plaintiff's First Set of Requests for Production, Interrogatories, and Requests for Admission**;
6. **Defendants served their First Set of Requests for Production and Interrogatories to Plaintiff on July 21, 2022**;

CASE NO.: 2:22-cv-00599-JCM-NJK

Blanch v. Albertsons LLC

Stipulation and Order to Extend (Second Request)

7. *Plaintiff responses to Defendants' First Set of Requests for Production and Interrogatories;*
8. *Plaintiff Disclosed her Designation of Initial Expert Witnesses on August 5, 2022; and*
9. *Plaintiff took a Notice of Non-Appearence of former security guard Stephen Carr on August 17, 2022.*

II.

DISCOVERY TO BE COMPLETED AND REASONS

FOR EXTENSION OF DISCOVERY

Discovery to be completed includes:

1. *Deposition of Plaintiff*
 - a. *Scheduled for September 1, 2022*
2. *Rule 35 Examination of Plaintiff*
 - a. *Scheduled with Dr. Reynold Rimoldi for September 19, 2022*
3. *Deposition of Defendants' former Third Key Manager Richard Botto*
 - a. *Scheduled for October 19, 2022*
4. *Deposition of Defendants' Courtesy Clerk Daniel Munoz-Becerra*
 - a. *Scheduled for October 19, 2022*
5. *Re-Notice and/or file a Motion to Compel the deposition of former security guard Stephen Carr*
6. *Depositions of Plaintiff's treating medical providers*
7. *Deposition of Defendants' FRCP 30(b)(6) representative(s)*
8. *Depositions of initial and rebuttal expert witnesses*

CASE NO.: 2:22-cv-00599-JCM-NJK

Blanch v. Albertsons LLC

Stipulation and Order to Extend (Second Request)

9. Additional written discovery and depositions as the Parties deem necessary.

The Parties aver, pursuant to Local Rule 6-1, that good cause exists for the requested extension.

III.

REASONS WHY DISCOVERY WAS NOT COMPLETED

WITHIN TIME SET BY DISCOVERY PLAN

The parties are not asking for this extension to delay these proceedings. Instead, the parties request this extension so they may complete the necessary discovery to fully litigate all claims and defenses in this matter. As it stands right now, the expert disclosure deadlines is ~~July 25, 2022~~ **August 24, 2022**. Plaintiff has retained Dr. Will Muir, MD and his retained expert. Dr. William Muir is in Europe and out of the country until July 17, 2022 and has indicated that he will be unable to review Plaintiff's medical records and author a report by July 25, 2022. Furthermore, Plaintiff just recently completed treating for the injuries he sustained as a result of this incident and his counsel is diligently working to obtain a complete set of medical records to provide Dr. William Muir, MD and defense counsel. Additionally, as Plaintiff is a candidate for repeat injection therapy in his neck and lower back, Defendant wishes for him to under an evaluation with their own expert. However, it has been difficult to schedule said examination during the summertime and numerous experts are on vacation and unable to conduct said exam. *The first date and time that Dr. Rimoldi had available, which worked with Plaintiff's schedule, was September 19, 2022.* The parties have working to schedule deposition of numerous individual including the plaintiff (*scheduled September 1, 2022*), his wife, the store manager (*scheduled October 19, 2022*), the store security officer (*scheduled August 17, 2022 but the deponent did not appear*), and other percipient witnesses (*Courtesy Clerk Daniel*

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CASE NO.: 2:22-cv-00599-JCM-NJK

Blanch v. Albertsons LLC

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Munoz Becerra is scheduled for October 19, 2022) but have been having difficulty arranging the same due to the vacation schedule of counsel and several witnesses.

The parties have entered into this agreement in good faith and not for purposes of delay.

IV.

DISCOVERY DEADLINES

Discovery cutoff: November 22, 2022

Amending the pleadings or adding parties: Closed

Expert disclosures: August 24, 2022

Rebuttal expert disclosures: September 23, 2022

Dispositive motions: December 22, 2022

VII.

[PROPOSED] NEW DISCOVERY DEADLINES

Discovery cutoff: *January 22, 2023*

Amending the pleadings or adding parties: *Closed*

Expert disclosures: *October 24, 2022*

Rebuttal expert disclosures: *November 22, 2022*

Dispositive motions: *February 21, 2023*

The Parties aver that this request for extension of discovery deadlines is made by the

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CASE NO.: 2:22-cv-00599-JCM-NJK
Blanch v. Albertsons LLC
Stipulation and Order to Extend (Second Request)

Parties in good faith and not for the purpose of delay.

DATED this __22nd__ day of August 2022.

DATED this __22nd__ day of August 2022.

RICHARD HARRIS LAW FIRM

BACKUS, CARRANZA & BURDEN.

/s/ Samantha Martin

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Attorneys for Defendants

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED: August 23, 2022

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